THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS,
WACO DIVISION

E. MATTHEW BURCH,	§	
Plaintiff	§	
	§	
v.	§	**CIVIL ACTION NO. W-13-CV-0237-WSS**
	§	
CAMBER CORPORATION,	§	
Defendant	§	

RESPONSE TO DEFENDANT'S MOTION TO DISMISS COLLECTIVE ACTION

1.   Plaintiff is E. Matthew Burch; defendant is Camber Corporation.

2.   Plaintiff sued defendant for violations of the Fair Labor Standards Act.

3.   Defendant served an unconditional offer of judgment pursuant to Federal Rule of Civil Procedure 68.

4.   As authorized by Rule 68, plaintiff accepted defendant's offer of judgment on August 30, 2013 [Doc. 10], and asked that the clerk to enter judgment in accordance with the offer.

5.   However, on August 29, 2013, defendant filed its Motion to Dismiss Collective Action [Doc. 9], after having been advised by plaintiff's counsel that the notice of acceptance would be filed on August 30, 2013, and after having been provided with a copy of the notice, as evidenced by its inclusion in and with defendant's motion to dismiss.

6.   Plaintiff files this response to Defendant's Motion to Dismiss Collective Action.

7.   Because plaintiff accepted defendant's offer of judgment after the motion to

dismiss was filed, and because plaintiff was the only plaintiff joined in the action at the time he accepted defendant's offer of judgment, defendant's motion to dismiss the collective action is moot.

8.   Consequently, Defendant's Motion to Dismiss Collective Action should be denied and the Clerk should enter a judgment pursuant to Rule 68.

Respectfully submitted,

CULLAR & McLEOD, L.L.P.
Baylor Tower
801 Washington Avenue, Suite. 500
Waco, Texas 76701
Phone: (254) 753-1991
Fax: (254) 753-0244
Email: jcullar@hot.rr.com

By: /s/ John Cullar
      R. JOHN CULLAR
      STATE BAR No. 05208400

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

This pleading was served on all counsel of record in compliance with the Federal Rules of Civil Procedure on this 11th day of September, 2013, via the Court's CM/ECF system.

/s/ John Cullar
R. JOHN CULLAR